

United States District Court

for

District of Guam

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: **James Rumbaua Damaso**

Case Number: **CR 06-00005-001**

Name of Sentencing Judicial Officer: The Honorable James Ware, Designated Judge

Date of Original Sentence: July 24, 2006

Original Offense: Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2)

Original Sentence: Twenty months imprisonment to be followed by three years supervised release with conditions: not possess a firearm, ammunition, destructive device, or any other dangerous weapon; cooperate in the collection of DNA; not unlawfully possess a controlled substance, refrain from any unlawful use of a controlled substance and submit up to eight drug tests a month; refrain from the use of any and all alcoholic beverages; participate in a substance abuse program to include testing and make co-payment as determined by the Probation Office; and perform 400 hours of community service. **Modified on March 26, 2008:** Community service deleted and fine of \$1,965.60 imposed. **Informational Report on July 23, 2008:** Failed to answer probation officer truthfully, tested positive for a controlled substance, and failed to show for two drug tests. **Modified on July 28, 2008:** Fine amended to \$1,872.00. **Modified on August 1, 2008:** Sixteen hours of community service added as a sanction for not providing truthful information on monthly supervision report and not giving ten days prior notification to the Probation Office about changing residence.

Type of Supervision: Supervised Release

Date Supervision Commenced: June 20, 2007

Assistant U.S. Attorney: Russell Stoddard

Defense Attorney: Richard P. Arens

PETITIONING THE COURT



To issue a warrant.



To issue a summons.

The probation officer believes that the offender has violated the following condition(s) of

Violation Number Nature of Noncompliance [All in violation of 18 U.S.C. § 3583(d)]

Mandatory Condition & Special Condition 1 *Failure to refrain from possessing a controlled substance and failure to refrain from any unlawful use of a controlled substance.*

Standard Condition 3 *Failure to answer truthfully all inquiries by the probation officer.*

Standard Condition 6 *Failure to notify the probation officer at least ten days prior to any change in residence or employment.*

Standard Condition 7 *Failure to refrain from possessing and distributing a controlled substance.*

Standard Condition 9 *Failure to refrain from associating with a person engaged in criminal activity.*

Special Condition 3 *Failure to participate in a program for substance abuse and drug testing.*

U.S. Probation Officer Recommendation:

- ☒ The term of supervision should be
☒ revoked.
☐ extended for _____ years, for a total term _____ years.
☐ The conditions of supervision should be modified as follows:

**Please see attached
*Declaration in Support of Petition,
Violations of Supervised Release Conditions; Request for a Warrant*
submitted by U.S. Probation Officer Maria C. Cruz**

Reviewed by:

I declare under penalty of perjury that the
forgoing is true and correct.



/s/ CARMEN D. O'MALLAN
U.S. Probation Officer Specialist
Supervision Unit Leader



/s/ MARIA C. CRUZ
U.S. Probation Officer

Date: September 4, 2008

Executed on: September 4, 2008

THE COURT ORDERS:

- ☐ No Action.
☒ The Issuance of a Warrant.
☐ The Issuance of a Summons.
☐ Other.



/s/ Joaquin V.E. Manibusan, Jr.
U.S. Magistrate Judge
Dated: Sep 05, 2008